

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

S14 11 Cr. 1091 (VM)

Plaintiff,

- against -

PETER LESNIEWSKI,

Defendant.

DECLARATION OF JOSHUA
L. DRATEL, ESQ., IN SUPPORT
OF DEFENDANT PETER
LESNIEWSKI'S MOTION TO
RECUSE THE DISTRICT COURT
PURSUANT TO 28 U.S.C. §455(a)

(Electronically Filed)

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JOSHUA L. DRATEL, pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am a lawyer, and along with Thomas Anthony Durkin, Esq., I represent defendant Peter Lesniewski in the above-captioned case. I make this Declaration in support of Dr. Lesniewski's motion to recuse the District Court pursuant to 28 U.S.C. §455(a).

2. The legal and factual bases for this motion are set forth in the accompanying Memorandum of Law, and it is respectfully requested that the facts set forth therein be incorporated by reference in this Declaration.

WHEREFORE, it is respectfully requested that the Court grant Dr. Lesniewski's motion to recuse the District Court in its entirety, and for any such other and further relief as to this Court seems just and proper.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed June 20, 2013.

/s/ Joshua L. Dratel
JOSHUA L. DRATEL